

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ronald Lee McCauley,)	
)	Civil Action No. 6:10-1700-HMH-KFM
Plaintiff,)	
)	<u>REPORT OF MAGISTRATE JUDGE</u>
vs.)	
)	
Lt. Riley, HFDC; Sgt. Rosemary)	
Sanders, HFDC; and Head Nurse)	
Paula, NLN, HFDC,)	
)	
Defendants.)	
_____)	

This matter is before the court on three motions for default judgment (docs. 20, 24, 38) filed by the plaintiff. The plaintiff, who is proceeding *pro se*, is a pretrial detainee at the Hill-Finklea Detention Center in Berkeley County. He alleges he has been denied dental care at the detention center.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983.

The plaintiff's complaint was filed on July 1, 2010, and on July 26, 2010, service of process was authorized by this court. Defendants Lt. Riley, Sgt. Rosemary Sanders, and Paula Brodie were served on August 16, 2010 (see doc. 21). On August 30, 2010, the plaintiff filed his first motion for default judgment (doc. 20), arguing that he assumed "an adequate amount of time for service and or answering of complaint" had passed. On September 3, 2010, the plaintiff filed a second motion (doc. 24) again arguing he was entitled to default judgment as the defendants had failed to timely file an answer. Defendant Brodie filed an answer on September 7, 2010, and defendants Lt. Riley and Sgt.

Sanders filed an answer on September 7, 2010. On October 21, 2010, the plaintiff filed a third motion for default judgment (doc. 38) arguing the defendants' answers were untimely.

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), the defendants had 21 days after being served with the summons and complaint within which to file their answers. As noted above, they were served on August 16, 2010. The twenty-first day, September 6th, was a legal holiday (Labor Day). Accordingly, the answers were timely filed and served on September 7, 2010. See Fed.R.Civ.P. 6(a)(1)(C) (if the last day is a legal holiday, the period runs until the end of the next day).

Based upon the foregoing, it is recommended that the motions for default judgment (docs. 20, 24, 38) be denied.

s/Kevin F. McDonald
United States Magistrate Judge

November 10, 2010
Greenville, South Carolina